

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 2037 be amended to read as follows:

- 1 Page 3, after line 21, begin a new paragraph and insert:
- 2 "SECTION 5. IC 7.1-5-1-9.5 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.5. (a) An in state or
- 4 an out of state vintner, distiller, brewer, rectifier, or importer that holds
- 5 a basic permit from the federal Bureau of Alcohol, Tobacco, and
- 6 Firearms ~~who~~ **that** knowingly violates ~~IC 7.1-5-11-1.5~~
- 7 **IC 7.1-5-11-1.5(a)** commits a Class A misdemeanor.
- 8 (b) A person who is not described in subsection (a) who knowingly
- 9 violates ~~IC 7.1-5-11-1.5~~ **IC 7.1-5-11-1.5(a)** commits a Class D felony.
- 10 (c) If the chairman of the alcoholic beverage commission or the
- 11 attorney general determines that a vintner, distiller, brewer, rectifier, or
- 12 importer that holds a basic permit from the federal Bureau of Alcohol,
- 13 Tobacco, and Firearms has made an illegal shipment of an alcoholic
- 14 beverage to consumers in Indiana, the chairman shall notify the federal
- 15 Bureau of Alcohol, Tobacco, and Firearms in writing and by certified
- 16 mail of the official determination that state law has been violated and
- 17 request the federal bureau to take appropriate action.
- 18 SECTION 6. IC 7.1-5-11-1.5 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) **Except as**
- 20 **provided in subsection (c)**, it is unlawful for a person in the business
- 21 of selling alcoholic beverages in another state or country to ship or
- 22 cause to be shipped an alcoholic beverage directly to an Indiana
- 23 resident who does not hold a valid wholesaler permit under this title.
- 24 This includes the ordering and selling of alcoholic beverages over a
- 25 computer network (as defined by IC 35-43-2-3(a)).
- 26 (b) Upon a determination by the commission that a person has
- 27 violated subsection (a), a wholesaler may not accept a shipment of
- 28 alcoholic beverages from the person for a period of up to one (1) year
- 29 as determined by the commission.
- 30 (c) **Notwithstanding any other law, a vineyard that is the holder**
- 31 **of an alcoholic beverage permit as a vintner in a state that affords**
- 32 **Indiana permittees or adult residents an equal reciprocal shipping**

1 **privilege may ship wine, for personal use and not for resale, to any**
2 **adult resident of Indiana. The shipping container of any wine sent**
3 **into or out of Indiana under this subsection must be clearly labeled**
4 **to indicate that the package must not be delivered to a person who**
5 **is less than twenty-one (21) years of age. Delivery of a shipment**
6 **under this subsection constitutes a sale in this state and the person**
7 **who purchases the wine is responsible for paying Indiana sales tax**
8 **on the wine.**
9 **(d) The commission shall adopt rules under IC 4-22-2 to implement**
10 **this section."**
 (Reference is to EHB 2037 as printed April 6, 2001.)

Senator KENLEY